

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CUPP CYBERSECURITY LLC et al.,

Plaintiffs,

v.

TREND MICRO INC., et al.,

Defendants.

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Civil Action No. 3:18-cv-01251-M
(Consolidated with
Civil Action No. 3:20-cv-03206-M)

ORDER

Before the Court is the Motion to Exclude Portions of Dr. Goodrich’s Opinions (ECF No. 221), the Motion to Strike Portions of Dr. Cole’s Opening Expert Report (ECF No. 224), the Motion to Exclude Portions of Dr. Eric Cole’s and Mr. Marcus Reading’s Expert Opinions Relating to Damages Apportionment (ECF No. 236), and the Motion to Strike Portions of Marcus Reading’s Opening Expert Report Relying on Unaccused Products (ECF No. 244), filed by Defendants Trend Micro, Inc., Trend Micro America, Inc., and Trend Micro Incorporated (collectively, “Trend Micro”), and the Motion to Exclude Opinions of Defendants’ Technical and Damages Experts (ECF No. 231), filed by Plaintiffs CUPP Cybersecurity, LLC, and CUPP Computing AS (collectively, “CUPP”). These motions are collectively referred to as the “Motions to Exclude.”


The Court previously issued its Memorandum Opinion and Order on the parties’ respective motions for summary judgment, in which it granted summary judgment to Trend Micro on several issues in dispute. ECF No. 329. In addition, the Court previously stayed this case as to U.S. Patent Nos. 8,365,272 and 9,756,079, pending resolution of *inter partes* review (“IPR”) proceedings on these patents before the PTAB. CUPP has represented that it prefers to

wait until the IPR proceedings are resolved to proceed to trial on its remaining claims of infringement. ECF No. 327 at 12.

The parties shall file a joint status report within 15 days of the date that PTAB makes its final decision on the two remaining IPRs. As part of the joint report, the parties shall identify what issues asserted in the Motions to Exclude remain ripe for determination. The Clerk of Court is directed to administratively **STAY** this case for statistical purposes.

SO ORDERED.

January 19, 2023.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE